

Assembly Bill No. 1851

CHAPTER 240

An act to amend Sections 9304, 9305, and 9306 of, and to add Sections 9103.5, 9202.5, and 9304.5 to, the Elections Code, relating to elections.

[Approved by Governor September 7, 2012. Filed with
Secretary of State September 7, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1851, Allen. County, city, and district initiative petitions.

Existing law permits a proposed ordinance to be submitted to a county board of supervisors, a legislative body of a city, or a governing board of a district by filing an initiative petition with the appropriate elections official, signed by not less than a specified number of voters. Under existing law, before a proponent of a county or city initiative measure may circulate an initiative petition for signatures, he or she is required to file specified materials with the elections official, including a notice of intention to do so and the written text of the initiative. Under existing law, before a proponent of a district initiative measure may circulate an initiative petition for signatures, he or she is required to publish or post a notice of intention to do so and a statement of the reasons for the initiative petition.

From the time materials pertaining to a county, city, or district initiative petition are filed until the day after the elections official determines that the initiative petition does not contain the minimum number of signatures required, the day after the election at which the initiative measure is put before the voters, or the day after the proposed ordinance is adopted by the relevant governing body, as applicable, this bill would require an elections official to retain at his or her office specified materials filed by the proponents of the measure and to furnish a copy of those materials to any person upon request. The bill would permit an elections official to charge a fee to a person obtaining copies of these materials, as specified. The bill would also require a proponent of a district initiative measure to file specified materials, including the written text of the measure, with the district elections official prior to circulating the initiative petition for signatures. By increasing the duties of elections officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 9103.5 is added to the Elections Code, to read:

9103.5. From the time materials pertaining to an initiative petition are filed pursuant to Section 9103 until the day after the county elections official determines that the initiative petition does not contain the minimum number of signatures required, the day after the election at which the initiative measure is put before the voters, or the day after the proposed ordinance is adopted by the board of supervisors after being submitted to the board of supervisors pursuant to Section 9101, as applicable, the county elections official shall do both of the following:

(a) Keep on file at his or her office the notice of intention, written text of the initiative, and request for a ballot title and summary that the proponents of the initiative measure filed with the county elections official pursuant to Section 9103.

(b) Furnish copies of the materials he or she is required to keep on file pursuant to subdivision (a) to any person upon request. The county elections official may charge a fee to a person obtaining copies pursuant to this subdivision. The fee may not exceed the actual cost incurred by the county elections official in providing the copies.

SEC. 2. Section 9202.5 is added to the Elections Code, to read:

9202.5. From the time materials pertaining to an initiative petition are filed pursuant to Section 9202 until the day after the elections official determines that the initiative petition does not contain the minimum number of signatures required, the day after the election at which the initiative measure is put before the voters, or the day after the proposed ordinance is adopted by the legislative body of the city after being submitted to the legislative body of the city pursuant to Section 9201, as applicable, the elections official shall do both of the following:

(a) Keep on file at his or her office the notice of intention, written text of the initiative, and written statement setting forth the reasons for the proposed petition, if any, that the proponents of the initiative measure filed with the elections official pursuant to Section 9202.

(b) Furnish copies of the materials he or she is required to keep on file pursuant to subdivision (a) to any person upon request. The elections official may charge a fee to a person obtaining copies pursuant to this subdivision. The fee may not exceed the actual cost incurred by the elections official in providing the copies.

SEC. 3. Section 9304 of the Elections Code is amended to read:

9304. Within 10 days after the date of publication or posting, or both, of the notice of intention and statement of the reasons for the proposed petition, the proponents shall file with the district elections official a copy of the notice and statement as published or posted, or both, together with the written text of the initiative and an affidavit made by a representative of the newspaper in which the notice was published or, if the notice was posted, by a voter of the district certifying to the fact of publication or posting.

SEC. 4. Section 9304.5 is added to the Elections Code, to read:

9304.5. From the time materials pertaining to an initiative petition are filed pursuant to Section 9304 until the day after the district elections official determines that the initiative petition does not contain the minimum number of signatures required, the day after the election at which the initiative measure is put before the voters, or the day after the proposed ordinance is adopted by the governing board of the district after being submitted to the governing board of the district pursuant to Section 9301, as applicable, the district elections official shall do both of the following:

(a) Keep on file at his or her office the notice of intention, statement of the reasons for the proposed petition, written text of the initiative, and affidavit of publication or posting that the proponents of the initiative measure filed with the district elections official pursuant to Section 9304.

(b) Furnish copies of the materials he or she is required to keep on file pursuant to subdivision (a) to any person upon request. The district elections official may charge a fee to a person obtaining copies pursuant to this subdivision. The fee may not exceed the actual cost incurred by the district elections official in providing the copies.

SEC. 5. Section 9305 of the Elections Code is amended to read:

9305. After filing a copy of the notice of intention, statement of the reasons for the proposed petition, written text of the initiative, and affidavit of publication or posting with the district elections official pursuant to Section 9304, the petition may be circulated among the voters of the district for signatures by any person who is a voter or who is qualified to register to vote in the district. Each section of the petition shall bear a copy of the notice of intention and statement.

SEC. 6. Section 9306 of the Elections Code is amended to read:

9306. Signatures upon petitions and sections thereof shall be secured, and the petition, together with all sections thereof, shall be filed within 180 days from the date of filing the materials specified in Section 9304 with the district elections official. If the petitions are not filed within the time permitted by this section, the petition and its sections shall be void for all purposes.

SEC. 7. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.